The member said that, in his memorandum, he had included, as one of the subjects, a suggestion that, in memory of His Highness the late Maha Raja, poor feeding should be conducted in all *pakuthies* of the State on the anniversary of His Highness' death, *viz.*, the 23rd Karkatakam.

DEWAN: That subject was taken out because one member cannot talk on more than two distinct subjects altogether. Anyhow, you have spoken about it.

The member said he wanted such a memorial, particulary as Karkatakam was a famine month.

II. Working of the Land Conservancy Regulation in the Shencottah Taluk.

MR. S. A. HARIHARAKRISHNA AIYAR (*Member, Shencottah taluk*) first referred to the inaccuracies in the last survey and the consequent hardship in the working of the Land Conservancy Regulation in the Shencottah taluk. The survey operations in the taluk were conducted on the base-line and off-set system under which accurate measurements were not taken. The theodolite stones were themselves in wrong stations and as such unreliable for checking the accuracies of the several measurements. The refixing of theodolite stones was felt a necessity by the Survey Department and a surveyor was deputed to do the work, which had to be given up after some time on account of the confusion and difficulties experienced during the progress of the work. The present land records maintenance work at Shencottah was confined to the side measurements alone and encroachment cases were started on the basis of those measurements; and the survey and settlement records did not at all tally with the conditions on the ground. The encroachments in some of the cases taken up by the local authorities were, on inspection and close scrutiny, found to be registered holdings by the Land Records Superintendent. Under the Land Records Maintenance Rules, the Tahsildar of the taluk was expected to check 20 per cent. of the cases surveyed by the Accountants. The Tahsildar could not obviously check each and every case and satisfy himself as to the correctness of the measurement. Nor was it possible for him to verify the theodolite stations to which reference should be made in such cases. A correct survey rested on the correct location of theodolite stations; and, as stated in the opening address of the Dewan, the re-fixing of theodolite stones was a necessary preliminary to regular land records maintenance work. The work of refixing theodolite stones in the taluk correctly should in the first place be completed.

The Tahsildar of Shencottah took up some encroachment cases on the backyards of some houses in the Amman Sannidhi Street, Shencottah town. The Shencottah-Samburvatakara road runs along the eastern side of those backyards. The width of the road was 20 ft. and the road was originally constructed on land acquired from the adjoining private holdings. The member contended that the encroachments detected by the Tahsildar were not real encroachments as the road was not correspondingly narrow at those places, as the extent recorded in respect of the houses covered also the portions alleged to be encroachments, as there were substantial buildings and structures that came into existence ever prior to the opening of the road, and as there were fruit-bearing cocoanut trees fifty and sixty years old standing there, belonging to the adjacent house-owners. The Land Records Superintendent, who happened to visit the locality at the time, found, on a careful reference to the theodolite stones and scrutiny of measurements of properties, that they were not encroachments and that they were the outcome of the inaccuracies in survey records. As it was not possible for the Superintendent to inspect all such cases and render justice to the people aggrieved, it was absolutely essential to employ a theodolite surveyor. The local authorities blindly followed the survey measurements and refused to admit even palpable mistakes. The member illustrated his statements by other instances of clear mistakes which the Tahsildar should have reported and got rectified. It was only in doubtful cases that the

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Tahsildar could refer the matter to the Land Records Superintendent. At the twentieth session, the member had stated that the inaccuracies were serious in the case of minor circuit areas and he had also quoted specific instances of such inaccuracies. Nevertheless, encroachment cases were being taken up in the minor circuit areas on the basis of inaccurate measurements. While in favour of taking all steps to prevent new encroachments, the member questioned the expediency and justice of allowing encroachment proceedings in respect of lands containing very old buildings, etc., dating back to pre-settlement days. If the Government could not find sufficient funds to undertake a resurvey at present, the inaccuracies in the survey records should not be made a menace to the peace and safety of the people.

The resurvey of the Shencottah town was ordered some years ago, but it had not yet been taken up. In the matter of granting permission for the construction of houses, the Municipality could not follow the survey records on account of the inaccuracies referred to above. The town was becoming congested. A correct map of the town should be prepared and handed over to the Municipality. At least a survey of the streets and lanes might be made. The state of affairs described by him led to a large number of *poramboke* cases. Though they felt grateful for the announcement made in the opening address about the granting of concessions in regard to fines and assessment, that would not go a long way towards removing the evils complained against, as long as the owners were being deprived of portions of their registered holdings. Even fractions of a cent were being taken into account and evictions made. Negligible encroachments in the course of chain survey were made much of and proceedings started. In the circumstances, the only course open was a resurvey, which he earnestly urged. If that was not possible, the member made the following proposals:—

(1) Due consideration should in all cases be given to the age of the buildings, structures, trees or any other improvements standing on the so-called encroachments.

(2) Even in cases of doubtful encroachments, the occupants should not be fined unless the encroachment was recent, wilful, real and serious.

(3) In cases of real encroachments, the occupants should be asked to pay only the assessment as per the rules, the fine being confined to exceptional cases.

(4) All excess lands found as such between a *poramboke* and the adjoining registered holding as per survey records should invariably be registered in the names of the occupants.

(5) Where survey measurements did not agree with those on the ground, reference should be made to *ozhugu* and other records.

(6) Negligible encroachments should not form the basis of any action.

(7) In cases where measurements of a *poramboke* were not recorded, the actual extent in possession of the owners and the nature and length of such possession should be taken as the deciding factors.

(8) The mere fact of possession of land in excess of the area of the registered holding should not deprive the occupant of a portion of his holding.

(9) *Poramboke* cases should not be started where improvements had been made from a time prior to the settlement itself.

Finally, the member prayed that the concessions granted to the owners of lands adjoining the Neyyar, the Chittar and certain other rivers be extended to cover the case of lands bordering the four rivers in the Shencottah taluk.

DEWAN: Mr. Hariharakrishna Aiyar, you have raised a number of points in the course of your representation.

I gather from the Land Records Superintendent that theodolite stations have not been refixed correctly in some cases in the Shencottah taluk. You say that the taluk was surveyed on the base-line and off-set system. This is the most accurate of all methods of survey and I am surprised to hear that, in a base-line and off-set survey, there should be mistakes. The Land Records Superintendent says that the survey took place in 1070 and that perhaps some mistakes crept in as the work was not

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properly supervised. Now we have arranged to send a surveyor to work in the taluk and refix theodolite stations, which had been fixed in wrong places. When those stations are refixed, remeasurements will perhaps have to be taken where they are found to be wrong and the survey rectified. But to order a resurvey of the taluk as a whole is a matter of much greater importance and a matter which involves greater cost. I believe the members of the House are aware of the cost and time involved in the resurvey of the Nedumangad taluk ; and after all, that survey is considered not only not final, but to be full of mistakes. All that we can do, until the Government launch upon a regular resurvey of all the taluks, which is a very big undertaking, is to try to rectify the existing mistakes. Whatever method of survey you may adopt, and whatever control you may exercise over survey operations, you must be prepared for some mistakes, because, from the very nature of the thing, it is an operation which has to be carried out by a multiplicity of people, most of them ill-paid ; and you cannot expect them to do their work with that amount of attention and that sense of responsibility which you can rely upon getting from higher officers. If you find mistakes, you must seek to rectify them. You have drawn my attention to a number of actual mistakes and those are cases where mistakes have been found in the survey measurement. I find that most of those cases refer to streets. You mentioned only one case of a channel *poramboke*.

MEMBER: One case refers to a street *poramboke* and another case is a channel *poramboke*.

DEWAN : I believe you quoted only one case of channel *poramboke*. Then you referred to Shencotta *agraharam* street and Samburvatakarai *agraharam* street and those streets are in village sites and there is no topographical survey in respect of village sites. Those measurements cannot be accurate. It is only what is called a cadastral survey that will be accurate in the case of village sites and it is a very costly process. It costs something like Rs. 65,000 per square mile. So, those instances which you quoted are instances of inaccurate measurements due to imperfect survey. You want a resurvey of the town of Shencottah. There again, the survey of a town is a very costly process. In the Madras Presidency, they conduct what is called a street survey of towns. The financing is arranged between the local body and the Government. You have a Municipal Council at Shencottah. It should place proposals before Government in regard to street survey. Let the Municipality prepare an estimate of the probable cost for conducting a street survey. Then you may come forward and say: "Here is the estimate : you send your own men. We will contribute so much of the cost ; you may also contribute so much and thus get the street survey carried out." If there was such a proposal, Government would no doubt be interested. You said that Government undertook a resurvey of the town in 1915. That undertaking was rash. I do not think any resurvey of the town could be done so lightly as you think. Apparently, they had no correct idea of the resurvey of a town and its cost. I may say it will cost nearly half a lakh of rupees per square mile and I believe Shencottah is four or five square miles in extent.

MEMBER : The inhabited portion is only half a square mile.

DEWAN : Even then, the cost comes up to Rs. 25,000.

MEMBER : We require such steps as would enable the Municipality to grant permission for the construction of sheds, etc. without committing mistakes of ownership of property.

DEWAN : I understand your point. You want a street survey and not a cadastral survey. That is not such a costly scheme.

MEMBER : That is what is wanted for the Municipality.

DEWAN : Yes. Even there, who is to bear the cost is the question. There are so many towns and all of them will have to be resurveyed ; and what do you think will be the cost involved ?

MEMBER : In the existing survey there are serious difficulties. Poor landowners are troubled very much.

DEWAN : That may be. You have 19 municipal towns in Travancore, of which five are big towns. If we conduct the survey of one town, other towns will

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necessarily ask for a resurvey. The total cost of these operations will have to be considered by Government.

MEMBER : Shencottah deserves special consideration.

DEWAN : Because you represent Shencottah, you say so. There are several other towns similarly circumstanced. For instance, take the town of Alleppey where conditions are perhaps identical. That is the difficulty of the Government.

MEMBER : I have quoted one instance. There are many other instances and it is not possible for me to quote all.

DEWAN : I do not deny that there may be other instances.

MEMBER : What I have instanced is a case which is long pending and I do not know what will happen if the owner takes it to a court of law. According to the measurements, he is entitled to get it in his favour. The Municipality is in a fix now.

DEWAN : We are facing every day such difficulties and that is inevitable in congested towns. In any case, what I would suggest is that you should ask the Municipality to take up this question of street survey ; and then the Land Records Superintendent will give the Municipality an idea of the cost of the survey; and Government would then give suitable instructions to the Land Records Superintendent to conduct a street survey in the town of Shencottah.

MEMBER : In one year, when it was reported that the cost of resurvey would amount to Rs. 2,250, Government ordered the matter to lie over for want of funds.

DEWAN : The Government probably found that they could not spare that amount.

MEMBER : The chief reason was that they did not attach so much importance to Shencottah.

DEWAN : I do not think so. Let us have an estimate prepared.

MEMBER : We have many public streets and lanes and the Municipality is not for interfering with private holdings. We have to find out the measurements of the front yard and all that.

DEWAN : I have no objection to ask the Land Records Superintendent to prepare an estimate of the cost of a street survey of the Shencottah town. On receipt of his report, that matter may be considered by the Government. Now the Government are not in a position to say what the cost will be. As to what portion should be borne by the Government and what portion by the Municipality, I am not in a position to give you a reply all on a sudden. Anyhow, I will ask the Land Records Superintendent to report to the Government what sort of survey you want and the probable cost of it.

MEMBER : Tax is collected by the Municipal Council from these houses. The Government also collect fines and assessment. I think the Municipality has got only a limited surplus of money collected.

The Town Improvement Committee has been in existence for more than 10 years and the Municipality has only a surplus of Rs. 3,000.

DEWAN : That question does not arise now.

As for funds, you cannot always ask the Government to pay. This again is another important question. This has been the perpetual struggle between the Government and the members of the Assembly. The members want the money of the Municipality to be expended in numberless ways. The Municipal Councils also want the Government to spend money in various ways, while the Government want them to bear a portion of the cost. That is the problem which always confronts us. Anyhow, I shall ask the Land Records Superintendent to prepare for the Shencottah Municipal Council an estimate of the cost of a street survey for the town of Shencottah.

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Then you suggested certain principles to be followed by the Government in regard to treatment of encroachments. All these principles have already been laid down by the Government in the rules and if these principles are not followed, then it is for you to say in which case they have not been followed, and to get the mistakes rectified. Just now one member said that, in regard to stones planted on the banks of rivers, there were inaccuracies. We are prepared to concede that the stones might have been planted above flood level; and the Government are prepared to examine such cases. I said that that principle could be extended throughout the State. Orders to that effect have been passed specifically in regard to the rivers in the Shencotta taluk.

MEMBER: Shencottah is subject to epidemics every year and these *poramboke* cases also take that form. But there is this difference. Epidemics occur only in particular months of the year. But these *poramboke* cases exist throughout the year. The people are more afraid of the so-called *poramboke* epidemic.

DEWAN: You are not talking seriously.

MEMBER: My point is that concessions should be given on account of the grave inaccuracies brought to light.

DEWAN: You must give instances.

MEMBER: It is not possible for every individual to bring his own case.

DEWAN: Nor is it possible for the Government to go and examine individual cases.

MEMBER: Even the chain survey cannot be expected to be accurately done by the surveyors. If the surveyors find half a foot of *poramboke*, they take the matter seriously and the poor owner is hard hit.

DEWAN: That depends upon the locality.

MEMBER: What I pray for is that, in such encroachment cases, no action should be taken. If, for a quarter of a cent, proceedings are started, owners of land have to go and wait in the public offices for days together to get orders in their favour. In most cases, these poor people are heavily fined and the situation is that they cannot prefer an appeal.

DEWAN: I understand all that.

MEMBER: Government should help those who cannot help themselves. I speak on behalf of the poor. In such cases arising out of inaccuracies, the Government should exempt the party from the payment of court fees.

DEWAN: I have no objection to consider that point.

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12. Transfer of the Revenue from Income Tax to Municipal Funds.

MR. M. J. JOSEPH (*Member, Municipal Council, Kottayam*) submitted that in the Kottayam Municipal area there were very few cart roads except the M. C. and K. K. roads. As Kottayam was an inland port for the planting areas of Peermade, Mundakayam and Kanjirapalli, those roads were always congested with cart and motor traffic. Passenger motor service with Kottarakara, Ernakulam, Minachil and Mundakayam had also contributed to the congestion. Consequently school-going children, the public resorting to the various offices and pedestrians in general were put to great inconvenience.

Unlike other towns, all the important institutions, public offices and schools in the Kottayam town were situated by the side of busy cross roads. Almost every building on those roads was a vakil's office or a public institution. It was highly necessary that two roads parallel to the K. K. road—one on either side of it—should be constructed immediately to divert the traffic. There were several lanes in Kottayam which should be widened into cart-roads. Some of the public institutions and offices could then be shifted into buildings on the new roads. The price of land was high and the cost of opening the new roads and of widening the lanes would be very heavy.

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